Public Notice

U.S. Army Corps of Engineers, Norfolk District

March 9, 2006

CENAO-TS-G
06-R0470

PUBLIC NOTICE

The District Engineer has received a permit application for work described below:

APPLICANT

Frances Porter, Executive Director
Virginia Seafood Council
76 Raleigh Road
Newport News, VA 23601

WATERWAY AND LOCATION OF THE PROPOSED WORK: Aquaculture sites are located in the waters of the Chesapeake Bay, its tributaries, and the waters of the Atlantic Ocean from Chincoteague to Oyster, Virginia.

PROPOSED WORK AND PURPOSE: The applicant proposes to introduce 2.5 million non-native, triploid, (sterile) Suminoe Oysters (Crassostrea ariakensis) into the waters of the Bay and the Ocean to be raised by up to 15 participants using a variety of aquaculture grow-out methods. Each approved industry participant will receive at least 100,000 genetic triploid C. ariakensis to be grown out on their private leases. Participants that were involved in past projects will have the option of taking up to 200,000 triploid C. ariakensis. Those returning participants that have oysters left over from the 2005 project, which did not reach market size, will also have the option of keeping these animals but subtracting that number from the total of 200,000 in the 2006 project. These carry-over animals will be grown in a sub-farm separate from the 2006 animals and will be required to be grown in accordance with current risk mitigation protocols. Using this dynamic risk management strategy, the sub-farm of larger animals can be managed so that the combined associated risk of both the sub farm and the proposed 2006 farm does not exceed set thresholds.

The applicant proposes to use five methods of oyster deployment.

- Off-bottom cages –This method of deployment uses ADPI/OBC bags constructed of rigid polyethylene with varying mesh and bag sizes as the primary method of containment. The mesh size used depends on size of the oyster to be contained. These bags come open at both ends or permanently sealed at one end and are generally secured using wire ties and/or nylon self-locking cables. The bags are then secured inside a 4' x 4' cage, with feet, constructed of metal with a total height of about 12" off the bottom. The cages can also be anchored using hooks made of iron reinforcing bar. Access ports to the cage will be securely closed using wire ties, hog rings, and/or nylon self-locking cables.

- Bags on rack –Racks consists of $^{3}/_{8}$" to $^{1}/_{2}$" reinforcing bar welded to have vertical sides of approximately 18" and a length of 10' to 20'. These racks are driven into the bottom in rows, end to end, with working aisles of approximately 3' to 4' between rows. The racks have an off bottom height of about 12". ADPI/OBC bags are strapped side by side onto the rack using wire ties, nylon self-locking cables, or rubber bungee cords.

- Long-lined bags on bottom –This method of deployment uses the ADPI/OBC bags secured together by a long line and anchored to the bottom. The number of bags per line varies and is site specific. Hard bottom sites are typically chosen to ensure bags do not become silted over.

- Floats – Floats typically consist of a 4" PVC rectangular ring with a 1" coated hard wire basket secured using several tie wraps. Oysters contained within ADPI/OBC bags are then placed inside the floats.

- Crab shedding tanks – This is a land-based flow through system to further nursery seed from the deployment size of 20mm up to approximately 38mm (half the legal market size). The rectangular wooden tank, which typically houses soft crabs before they molt, is approximately 36" x 60" x 12" with a central drain that is screened to avoid escapement. Oysters contained within ADPI/OBC bags are then placed inside the tank.

Flupsy - Incorporated in the 2006 project is the use and assessment of a new nursery method to the Chesapeake Bay; a paddlewheel FLoating UPweller SYstem or FLUPSY. Although this method of oyster rearing has been used on the west coast for a number of years now, it did not make its first appearance on the Bay until last year. Oysters loaded into these bins are the beneficiaries of hundreds of gallons of water per hour being pulled past them. By exposing the oysters to a much higher volume of water than occurs naturally, feeding is increased, thus shortening grow-out time to deployment size. Seed will be raised from 2 to 20mm in a quarantine paddlewheel FLUPSY to be built at Shore Seafood is Saxis, VA. This nursery system will be equipped with stainless steel and/or nylon screening material at all exit points of a size small enough to ensure zero loss of oysters from the system. Those participants who do not choose to grow their animals to deployment size in their own nursery systems will have their seed grown in this FLUPSY. We estimate that this will total approximately one million triploid C. ariakensis. The use of this innovative system in this year's project will allow the tracking of economic and performance data for a large scale paddlewheel FLUPSY giving the industry some insight on its effectiveness.

The purpose of the project is threefold.

1. To test the feasibility for a one year market product for triploid C. ariakensis. The proposed time span of the project is from June 1, 2006 until June 1, 2007.
2. To establish an industry based FLUPSY for nursery of VSC seed
3. Allow oysters from the 05 project that do not reach market size to be incorporated into the 06 project.

AUTHORITY: Permits are required pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

FEDERAL EVALUATION OF APPLICATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected from the proposal must be balanced against its reasonably foreseeable detriments. All of the proposal's relevant factors will be considered, including conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use classification, navigation, shoreline erosion and accretion, recreation,

water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. Anyone may request a public hearing to consider this permit application by writing to the District Engineer within 30 days of the date of this notice, stating specific reasons for holding the public hearing. The District Engineer will then decide if a hearing should be held.

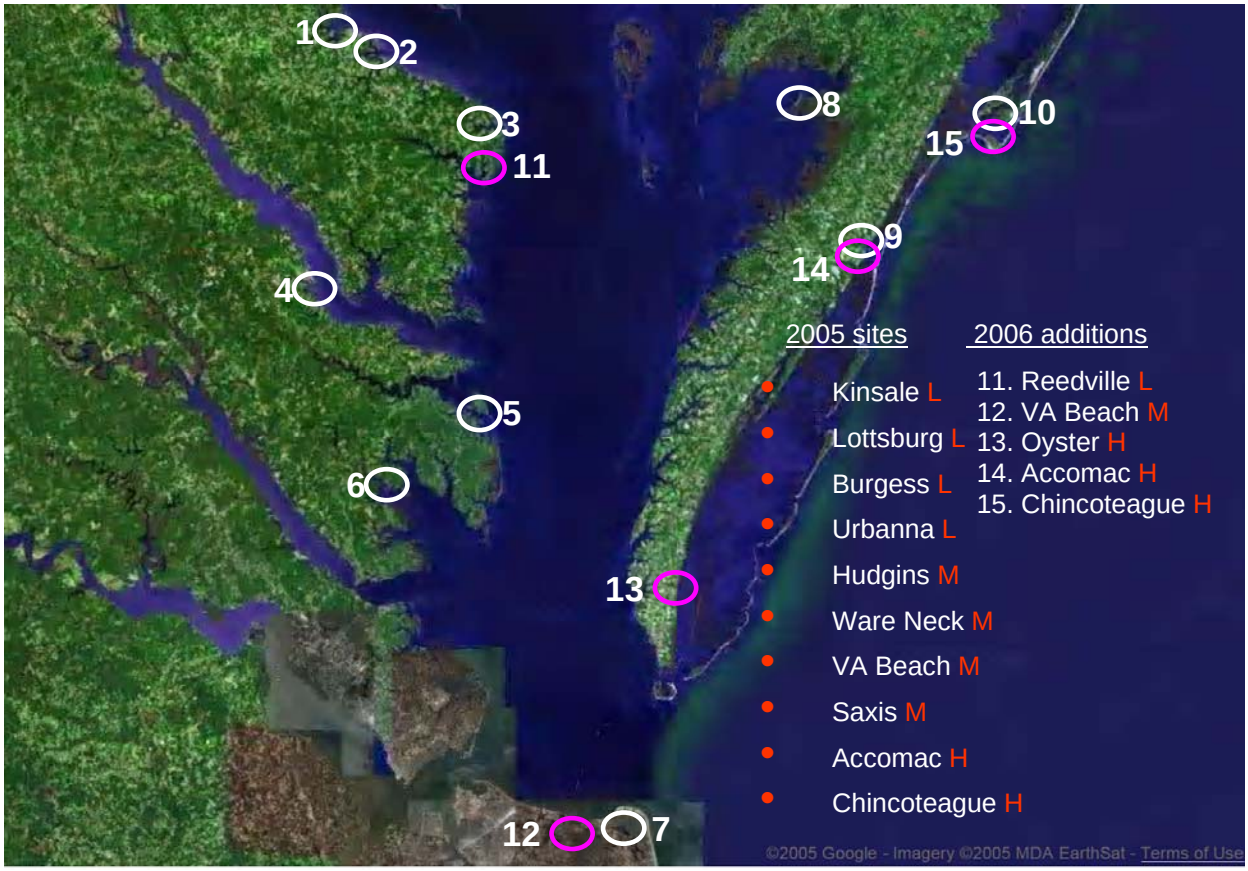
Preliminary review indicates that: (l) no environmental impact statement will be required; (2) no species of fish, wildlife, or plant (or their critical habitat) listed as endangered or threatened under the Endangered Species Act of 1973 (PL 93-205) will be affected; and (3) no known properties eligible for inclusion or included in the National Register of Historic Places are in or near the permit area, or would likely be affected by the proposal. Additional information might change any of these findings. For compliance with the Coastal Zone Management Act of 1972, as amended, the applicant must certify that federally licensed or permitted activities affecting Virginia's coastal zone (Tidewater) will be conducted in a manner consistent with the Virginia Coastal Resources Management Program (VCP). For more information or to obtain a list of the enforceable programs of the VCP, contact the Department of Environmental Quality, Office of Environmental Impact Review at (804) 698-4330 or e-mail: elirons@deq.virginia.gov.

COMMENT PERIOD: Comments on this project should be made in writing, addressed to the Norfolk District, Corps of Engineers (ATTN: CENAO-TS-G), 803 Front Street, Norfolk, Virginia 23510-1096, and should be received by the close of business on April 7, 2006.

If you have any questions about this project or the permit process, call Peter R. Kube at (757) 201-7504.

FOR THE DISTRICT ENGINEER:

Michael A. Schwinn
Chief, Western Virginia
Regulatory Section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14
2005 sites
Kinsale L
Lottsburg L
Burgess L
Urbanna L
Hudgins M
Ware Neck M
VA Beach M
Saxis M
Accomac H
Chincoteague H
2006 additions
11. Reedville L
12. VA Beach M
13. Oyster H
14. Accomac H
15. Chincoteague H
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